

REMARKS

Upon entry of the present amendments, claims 18-25 and 29-34 are pending. Claim 24 is objected to. Claims 18, 19 and 24-34 are rejected.

New claims 34 and 35 have been added. This claim does not contain new matter, and support for this claim can be found in the specification on page 5, lines 3-19, and page 8, lines 1-6.

The Examiner's rejections and objections are addressed in turn as set forth in the Office Action.

Claim Objections

Claim 24 has been objected to because the use of the phrase "The method of vectoring an active substance using a peptide according to claim 18". The Examiner notes that since claim 24 is a method claim and uses the peptide recited in claim 18, the term "A method of vectoring an active substance using the peptide according to claim 18" should be used.

Applicants thank the Examiner for his helpful suggestion. Claim 24 has been amended in accordance with the Examiner's suggestion. Accordingly it is respectfully submitted that this objection is now moot and should be withdrawn.

35 U.S.C. § 112, second paragraph

A. Claims 18, 19 and 24-34 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner states that the phrase "derived from" in claims 18, 19 and 24-34 is indefinite since it is unclear what amino acid sequence the peptide has as compared to the parent compound, the antibiotic peptide or its analog. The Examiner suggests the use of the phrase "obtained from" in place of the phrase "derived from". Claims 18 and 25, which contained the "derived from" language have been amended to recite the phrase "obtained from" in place of the phrase "derived from".

Additionally, the Office Action recites that claim 25 is indefinite because the use of the phrase "β-stranded antibiotic or an analog thereof" is "not clear what compound is as to 'β-stranded antibiotic'". Claim 25 has been amended to positively recite that "A" represents a linear

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peptide obtained from a specific β -stranded antibiotic peptide. Applicants submit that claim 25 is now clear and the rejection thereto under 35 U.S.C. § 112, second paragraph should be withdrawn.

B. Claims 20-34 have been deemed indefinite because of the use of the term “active substance” or “a signal agent”. The Examiner states that the term “active substance” or “signal agent” are indefinite because it is unclear what the active substance is, what function the active substance has, which compound is intended as a signal agent, and what the signal agent is used for. Claims 20-34 are further deemed to be indefinite because the use of the phrase “a particular cell compartment, a particular cell type or a particular organ” is not clear as to how the active substance coupled with the peptide can target at a particular cell compartment, a particular cell type or a particular organ.

Claims 20, 24 and 25 have been amended to clarify the terms “active substance” and “signal agent”. Applicants respectfully submit that these claims are now clear and satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph. Applicants further submit that claims 20 and 24 are directed to vectoring the specific active substance using the linear peptide by coupling the active substance to the linear peptide and conveying the active substance and antibiotic peptide to a target for vectoring, the target being a particular cell compartment, cell type or organ. Applicants submit that one skilled in the art would understand that the use of a particular peptide which is obtained from a particular antibiotic peptide will be selected based upon the active substance to be conveyed to the target. As explained in the Specification on page 13, lines 5-21, the “active substances” comprise proteins, peptides, nucleic acids, active chemical moieties, etc. which are vectored to the linear peptide and which have therapeutic and/or diagnostic applications.

Furthermore, the selection of a particular linear peptide to be coupled to an active substance is selected so as to be capable of addressing a particular target, i.e. a particular cell compartment, cell type or organ. This is the role of the “signal agent” as described in the Specification on page 14, lines 16-23. The signal agent serves an “addressing role” by directing the peptide compound towards a cell type, cell compartment or a given tissue or organ. Certain signal agents specifically recognize a determinant present on the surface of a cell type, tissue or

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organ, or within a particular cell. Examples of the manner by which a “signal agent” coupled to a linear peptide may direct or address the peptide to a particular cell type, cell compartment or a given tissue or organ is described in the specification on page 15, line 10 – page 16, line 10, and in Example 2 on pages 19-22. In view of the above, Applicant’s respectfully submit that the claims as amended satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph and respectfully request that the rejection be withdrawn.

C. Claims 23 and 28 have been held to be indefinite because the use of the term “such as” is unclear as to whether the limitations following the phrase are part of the claimed invention.

~~Claim 23 has been amended to eliminate the phrase “such as”. Claim 28 has been canceled from the instant application. This rejection is now moot and withdrawal of the rejection is respectfully requested.~~

D. Claim 26 is rejected as an improper dependent claim because it claims the compound according to claim 24, which is a method claim. The Office Action recites that there is insufficient antecedent basis for the limitation “said linear peptide (A)” in line 1 of claim 26. Claim 31 has been included in this rejection because it depends from claim 26.

~~Claim 26 has been canceled and this rejection is thus moot. Withdrawal of the rejection is respectfully requested. Claim 31 has been amended to depend from amended claim 25.~~

E. Claim 33 is rejected as an improper dependent claim because it claims a pharmaceutical composition comprising at least one compound of formula (IV). The Office Action recites that there is insufficient antecedent basis for the limitation “compound of formula (IV) in claim 33.

~~Claim 33 has been amended to depend from amended claim 25. This rejection is now moot and withdrawal of the rejection is respectfully requested.~~

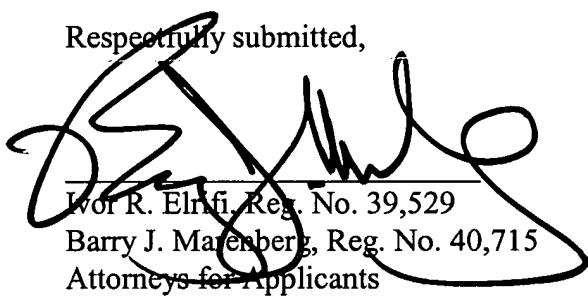
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CONCLUSION

On the basis of the foregoing amendments, the points and concerns raised by the Examiner having been addressed in full, Applicants respectfully submit that the pending claims are in condition for allowance, which action is respectfully requested.

If, upon receipt and review of this amendment, the Examiner believes that the present application is not in condition for allowance and that changes can be suggested which would place the claims in allowable form, the Examiner is respectfully requested to call Applicant's undersigned counsel at the number provided below.

Respectfully submitted,


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